THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4708 OF 2006

Dt.10.3.2006

Between:

Mohsin Shah Khan … Petitioner

And

Government of Andhra Pradesh, rep.
By the Secretary (Revenue), Secretariat,
Hyderabad and 2 others. … Respondents

ORDER:

The petitioner questions the proceedings of the Mandal Revenue Officer, Adilabad Mandal, Adilabad District, bearing No.C/498/ 2002 dated 23.12.2004 as illegal and arbitrary.

The case of the petitioner is that he is the owner and possessor of the property bearing H.No.G.P.14-93 (old) 12-101 (new) admeasuring 150 sq.yards situated in Ward No.14 of Dasnapur Village, Revenue Mandal Adilabad, having purchased the same vide registered document bearing No.2259/97 dt.22.12.1997 from the vendor and also constructed house after obtaining permission from the Gram Panchayat vide proceedings No.45/GPM/97 dt.26.12.1997. It is stated that the name of the petitioner was also mutated in the Gram

Panchayat records. While so, the 3rd respondent issued notice dt.24.1.2002 under Section 7 of the A.P.Land Encroachment Act, 1905 (for short 'the Act'), which was received by the petitioner on 28.1.2002, stating that the petitioner is in unauthorized occupation of the land in Sy.Nos.10/2, 12/2 and 37/2 to an extent of 200 sq.yards in Dasnapur village, for which the petitioner gave reply on 8.2.2002. It is stated that all of a sudden the 3rd respondent has passed an order under Section 6 of the Act to take possession of the said land into Government custody under cover of panchanama vide proceedings No.C/498/02 dt.23.12.2004. Pursuant to the said order, notice under Section 6 of the Act was also issued on the same day by the Mandal Revenue Officer. It is stated that the said order and notice have not been served till the officials of the 3rd respondent came to the premises of the petitioner on 6.3.2006. It is further stated that a criminal case has also been filed against the petitioner alleging that he is trespasser of the said Government land and subsequently the same has been quashed by this Court in Crl.R.C.No.1458 of 2004 on 1.9.2004.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue on behalf of the respondents.

I am of the opinion that the quashing of the criminal proceedings is nothing to do with the proceedings under the Act. The petitioner has an effective alternative remedy under Section 10 of the Act by way of an appeal. Having regard to the facts and circumstances of the case, the petitioner is permitted to file an appeal before the appropriate authority within one week from the date of receipt of a copy of this order. Pending disposal of the appeal, status quo obtaining as on today with regard to possession of the land in question shall be maintained.

The writ petition is accordingly disposed of. No order as to costs.

(V.ESWARAIAH, J.)

10.3.2006

kpr